

HONORABLE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SCOTT CARLSON, TYLER PARNELL,
ALLISON HALLIFAX, SHARON L. DAVIS,
and BRIAN ROBILLARD,

Plaintiffs,

v.

CITY OF REDMOND,

Defendant.

NO. 2:22-CV-01739-JNW

STIPULATED MOTION AND
~~PROPOSED~~ ORDER TO SET NEW
TRIAL DATE AND CASE SCHEDULE

Noted for Consideration: August 30, 2023

I. STIPULATION

For good cause shown and pursuant to Federal of Civil Procedure 16(b)(4) and Local Civil Rule 16(b)(6), the parties respectfully and jointly move the Court for entry of an order setting a new case schedule and trial date.

For good cause shown and with the Court's consent, the Court may modify the deadlines in the scheduling order. Fed. R. Civ. P. 16(b)(4); LCR 16(b)(6). The "good cause" standard primarily considers the diligence of the party seeking the amendment: the district court may modify the pretrial schedule if it cannot reasonably be met despite the diligence of the parties

STIPULATED MOTION AND ~~PROPOSED~~
ORDER TO SET NEW TRIAL DATE AND
CASE SCHEDULE - 1
(Case No. 2:22-CV-01739-JNW)

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1 seeking the extension. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir.
2 1992) (citing Fed. R. Civ. P. 16 advisory committee's notes (1983 amendment)). Although the
3 existence or degree of prejudice to the opposing party might supply additional considerations for
4 a motion to modify, the focus remains on the moving party's reasons for seeking modification.
5 *Johnson*, 975 F.2d at 609.

6 Counsel for the parties have been working cooperatively in discovery, have conferred, and
7 agree that good cause exists to grant the relief requested, as set forth below:

8 1. On April 27, 2023, the parties (then Scott Carlson and the City) filed a "Motion to
9 Strike the Trial Date and Stay the Case Schedule Pending Identification of Potential Additional
10 Plaintiffs." (Dkt. #17.) On May 10, 2023, the same parties filed a Stipulated Motion for Leave to
11 File a First Amended Complaint Adding Additional Plaintiffs and Claim." (Dkt. #18.)

12 2. On May 22, 2023, the Court issued an order directing the parties to submit a version
13 of the proposed amended complaint with redline changes. (Dkt. #19.) After the parties did so, the
14 Court issued an order on May 24, 2023, striking the trial date and case schedule and directing the
15 parties to submit a joint status report every 60 days. (Dkt. #20.) On June 1, 2023, the Court granted
16 the stipulated motion for leave to amend and the amended complaint was filed the following day.
17 (Dkt. #'s 21-22.) The amended complaint added Tyler Parnell, Allison Hallifax, Sharon L. Davis,
18 and Brian Robillard as plaintiffs. (Dkt. #22.)

19 3. On July 21, 2023, the parties filed a joint status report outlining the status of written
20 discovery, Plaintiffs' plan to file a stipulated motion for leave to file a second amended complaint
21 by July 23, and that the proposed second amended complaint would add the final remaining

plaintiffs in this action. (Dkt. #24.)

4. On July 23, 2023, Plaintiffs' counsel filed a proposed second amended complaint with redline changes to add the final three remaining Plaintiffs. Counsel did not file a stipulation or motion seeking leave to amend, nor has the Court issued an order granting leave to file a second amended complaint.

5. On August 22, 2023, Defendant filed its answer to Plaintiffs' amended complaint that was filed on June 2, 2023. (Dkt. #33.)

6. With all the potential plaintiffs now identified, the good cause that existed for granting the parties' earlier motion to strike the trial date and case schedule no longer exists. The parties have been proceeding with written discovery, have conferred, and agree good cause now exists to set a new trial date and case schedule.

Given the above referenced facts, the parties stipulate that good cause exists to set a new case schedule and trial date in this matter. The parties now jointly move the Court for an order to that effect.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

A new case schedule and trial date shall be set as follows¹:

<u>Event</u>	<u>Date</u>
Disclosure of expert testimony under FRCP 26(a)(2)	February 19, 2024
Disclosure of rebuttal expert testimony under FRCP 26(a)(2)	March 20, 2024

¹ The following dates are proposed, subject to the Court's availability.

<u>Event</u>	<u>Date</u>
All motions related to discovery must be filed by and noted on the motion calendar no later than the third Friday thereafter (see LCR 7(d))	April 11, 2024
Discovery completed by	May 20, 2024
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d))	June 20, 2024
All motions related to expert witnesses (e.g., a Daubert motion) must be filed by and noted on the motion calendar no later than the third Friday thereafter (see LCR 7(d))	June 27, 2024
All motions in limine should be filed by and noted on the motion calendar no later than the Friday before the Pretrial Conference. (See LCR 7(d)(4))	August 8, 2024
Trial Briefs and Agreed Pretrial Order due ²	August 16, 2024
Proposed Findings of Fact and Conclusions of Law, and designations of deposition testimony pursuant to CR32(e) due	August 27, 2024
Pretrial conference to be held at 10:00am on	August 30, 2024
10 DAY BENCH TRIAL set for 9:00am	September 9, 2024

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² The Agreed Pretrial Order shall be filed in CM/ECF and shall also be attached as a Word compatible file to an e-mail sent to the following address: WhiteheadOrders@wawd.uscourts.gov.

IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

DATED this 30th day of August, 2023.

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 Attorney for Plaintiffs

Attorneys for Defendant

II. PROPOSED ORDER

THIS MATTER having come on regularly for hearing upon the stipulation of the parties above contained, and the Court being fully advised in the premises, now, therefore, it is hereby ORDERED that the following trial date and case schedule shall be set:

<u>Event</u>	<u>Date</u>
Disclosure of expert testimony under FRCP 26(a)(2)	February 19, 2024 February 12, 2024
Disclosure of rebuttal expert testimony under FRCP 26(a)(2)	March 20, 2024 March 13, 2024
All motions related to discovery must be filed by and noted on the motion calendar no later than the third Friday thereafter (see LCR 7(d))	April 11, 2024 March 13, 2024
Discovery completed by	May 20, 2024 April 12, 2024
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d))	June 20, 2024 May 13, 2024

<u>Event</u>	<u>Date</u>
All motions related to expert witnesses (e.g., a Daubert motion) must be filed by and noted on the motion calendar no later than the third Friday thereafter (see LCR 7(d))	June 27, 2024
Settlement Conference under LCR 39.1, if requested by parties, held no later than	July 11, 2024
All motions in limine should be filed by and noted on the motion calendar no later than the Friday before the Pretrial Conference. (See LCR 7(d)(4))	August 8, 2024 July 31, 2024
Trial Briefs and Agreed Pretrial Order due ³	August 16, 2024 August 26, 2024
Agreed Pretrial Order due	August 19, 2024
Proposed Findings of Fact and Conclusions of Law, and designations of deposition testimony pursuant to CR32(e) due	August 27, 2024 August 19, 2024
Pretrial conference to be held at 10:00am on	August 30, 2024 September 4, 2024
10 DAY BENCH TRIAL set for 9:00am	September 9, 2024

ENTERED this 12th day of September, 2023.



Jamal N. Whitehead
United States District Judge

Presented by:

By: /s/ Robert L. Christie
Robert L. Christie, WSBA #10895
Stuart A. Cassel, WSBA # 49808

By: /s/ Tracy Tribbett
Tracy Tribbett, WSBA #35922
Pacific Justice Institute

³ The Agreed Pretrial Order shall be filed in CM/ECF and shall also be attached as a Word compatible file to an e-mail sent to the following address: WhiteheadOrders@wawd.uscourts.gov.

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